

## National Counterintelligence Center

## § 1802.3

### Subpart C—Action on Challenges

- 1802.21 Receipt, recording, and tasking.
- 1802.22 Challenges barred by res judicata.
- 1802.23 Determination by originator(s) and/or any interested party.
- 1802.24 Designation of authority to hear challenges.
- 1802.25 Action on challenge.
- 1802.26 Notification of decision and prohibition on adverse action.

### Subpart D—Right of Appeal

- 1802.31 Right of Appeal.

AUTHORITY: Executive Order 12958, 60 FR 19825, 3 CFR 1996 Comp., p. 333-356 (or successor Orders).

SOURCE: 64 FR 49889, Sept. 14, 1999, unless otherwise noted.

### Subpart A—General

#### § 1802.1 Authority and purpose.

(a) *Authority.* This part is issued under the authority of and in order to implement §1.9 of Executive Order (E.O.) 12958 and section 102 of the National Security Act of 1947.

(b) *Purpose.* This part prescribes procedures for authorized holders of information classified under the various provisions of E.O. 12958, or predecessor Orders, to seek a review or otherwise challenge the classified status of information to further the interests of the United States Government. This part and §1.9 of E.O. 12958 confer no rights upon members of the general public, or authorized holders acting in their personal capacity, both of whom shall continue to request reviews of classification under the mandatory declassification review provisions set forth at §3.6 of E.O. 12958.

#### § 1802.2 Definitions.

For purposes of this part, the following terms have the meanings as indicated:

*NACIC* means the United States National Counterintelligence Center acting through the NACIC Information and Privacy Coordinator;

*Authorized holders* means any member of any United States executive department, military department, the Congress, or the judiciary (Article III) who holds a security clearance from or has been specifically authorized by NACIC to possess and use on official business

classified information, or otherwise has Constitutional authority pursuant to their office;

*Days* means calendar days when NACIC is operating and specifically excludes Saturdays, Sundays, and legal public holidays. Three (3) days may be added to any requirement of this part if responding by U.S. domestic mail; ten (10) days may be added if responding by international mail;

*Challenge* means a request in the individual's official, not personal, capacity and in furtherance of the interests of the United States;

*Control* means ownership or the authority of NACIC pursuant to federal statute or privilege to regulate official or public access to records;

*Coordinator* means the NACIC Information and Privacy Coordinator acting in the capacity of the Director of NACIC;

*Information* means any knowledge that can be communicated or documentary material, regardless of its physical form, that is:

(1) Owned by, produced by or for, or under the control of the United States Government, and

(2) Lawfully and actually in the possession of an authorized holder and for which ownership and control has not been relinquished by NACIC;

*Interested party* means any official in the executive, military, congressional, or judicial branches of government, United States or foreign, or U.S. Government contractor who, in the sole discretion of NACIC, has a subject matter or physical interest in the documents or information at issue;

*Originator* means the NACIC officer who originated the information at issue, or successor in office, or a NACIC officer who has been delegated declassification authority for the information at issue in accordance with the provisions of this Order;

*This Order* means Executive Order 12958 of April 17, 1995, or successor Orders.

#### § 1802.3 Contact for general information and requests.

For information on this part or to file a challenge under this part, please direct your inquiry to the Director, National Counterintelligence Center,